THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17477 of 1998

Dated:25.04.2007

Between
M/s.Alfa Consumer Appliances Ltd.,
Rep., by its Managing Director
K.Gopi

.....Petitioner

and

1.The Authority under payment of
Wages Act and the Assistant Commissioner of
Labour, Sangareddy, Medak district AP
And another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17477 of 1998

ORDER:

This writ petition is filed seeking to declare the order made in P.W.Case No.1 of 1998 on the file of the 1st respondent-Authority under payment of Wages Act and Assistant Commissioner of Labour, Sangareddy, (for short 'the Authority') awarding wages for the months of January and February 1998 along with two times penalty as compensation to the respondent Nos.3 to 41, as arbitrary and illegal.

The workmen filed an application before the Authority seeking a direction to the petitioner-Management to pay wages for the said months and also two times penalty as compensation. When notices were sent to the petitioner-Management, they refused to

receive the same. Thereafter, a telegram was sent to the petitioner calling upon them to be present on 8.5.98. But they failed to appear before the authority. Therefore, an *ex parte* evidence was recorded. The case of the petitioners therein was accepted and an order was passed on 23rd May 1998 awarding wages for the months of January and February, 1998 along with two times penalty as compensation. Aggrieved by the same, the present writ petition is filed by the petitioner-Management.

It is the case of the petitioner-Management that the 1st respondent-Authority allowed the petition filed by the respondents 2 to 41 under sub Section (2) of Section 15 of the Payment of Wages Act,1936 stating that the petitioner-Management was set ex parte without giving proper opportunity. This seems to be incorrect in view of the facts recorded by the Authority. The Authority made all its efforts to make the petitioner-Management appear

before it. In spite of service of notice on 6.4.98 and sending telegram on 8.5.1998, the petitioner was not present. Therefore, the petitioner was set *ex parte* and the_order was passed. Hence, it cannot be said that the order passed by the Authority ordering payment of wages for the months of January and February 1998 is arbitrary and illegal. However, I am of the opinion that granting compensation of double the amount of the wages seems to be improper.

Therefore, in the facts and circumstances of the case, I deem it appropriate to grant compensation of one time wages against each individual-workman instead of double the amount of wages.

With the above modification, the writ petition is disposed of. No costs.

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25-4-2007

rkk